

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**APRIL 27, 2015**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

The meeting was called to order at 7:00 P.M. and began with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Nadeau, Mr. Zwolenski and Mr. Boucher. (Mr. Alter deceased) Also in attendance were Town Administrator Hamilton and Town Solicitor Igliozi.

## **COMMERCIAL SOLAR STABILIZATION PLAN**

Economic Development Commission Chairman Scott Lentz and Vice Chairman Dinna Finnegan presented a letter of recommendation regarding establishment of a commercial solar stabilization plan for solar energy systems. It is proposed to create a 'Fixed Annual Payment' in lieu of a tangible depreciating tax and require an Annual Energy Performance Report. Accordingly, if the energy output exceeds the proposed estimates a 'Production Bonus' based on a fixed percentage would be assessed in addition to the 'Fixed Annual Payment'. The companies would still need to come before the board to negotiate an agreement. There would be some kind of restriction so there would be no razing of open space.

**MOTION** by Mrs. Nadeau and seconded by Ms. Alves to allow the Commercial Solar Stabilization Plan to move forward in order to have something solid to review.

**Mr. Zwolenski noted that every proposal is different and should be taken on its merits but was willing to look at any proposed ordinance to see if it works for the town.**

**Mr. Iglioizzi wanted the Council to be aware that state law does not allow a town council to pass a stabilization plan, just an exemption.**

**Mr. Boucher has no problem with pursuing this but care should be given to the verbiage.**

**On a roll call vote the motion passed 4 to 0.**

#### **GRANT OF EASEMENT RE: WOONSOCKET LOCAL PROTECTION PROJECT/BIKE PATH**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mrs. Nadeau, and voted 4 to 0 on a roll call vote to move this item up next on the agenda.**

**Town Planner Robert Ericson's review of this has been positive. The Army Corps of Engineers needs to manage vegetation on levees, river banks and in the channel. If a tree topples, it can restrict water flow. When sections break off, they become dangerous debris. When the roots break out of the soil, the levee becomes vulnerable to erosion. The land part of the easement includes much of the RIDOT construction easement previously granted.**

**Mr. Boucher questioned if there could be dredging and was told that would be highly unlikely.**

**Mr. Zwolenski asked if the bike path would come to a halt if the easement was not granted and was told that it would.**

**Mr. Zwolenski commented that this came under the National Defense Authorization Act in fiscal year 2008 and it appears that one year had been given to acquire the easements.**

**Mr. Michael Debroisse, an employee of the City of Woonsocket, explained the delay is on the Army Corps' part not on the City of Woonsocket. The deeds had been given to the Army Corps but they had not been recorded. Easements are now being gathered to finalize the project.**

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**Mr. Boucher stated he would rather see the \$2.8 million go towards roads than a bike path.**

**Mrs. Nadeau was concerned with liability but was told it would be no different than how it is now.**

**MOTION by Mr. Zwolenski and seconded by Ms. Alves to grant an**

**easement for Assessor's Plat 3, Lot 183 which will go to the City of Woonsocket and then transferred to the Army Corps of Engineers almost immediately.**

**Roll call: Ms. Alves - yes; Mrs. Nadeau - no; Mr. Zwolenski - yes; and Mr. Boucher - no. The motion deadlocked 2 to 2.**

## **ABATEMENTS**

**Several Council members had questions on some of the abatements and requested that more information be provided at the next meeting.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to accept the abatements of Michael Abatiello, Account #51-0002-71, in the amount of \$213.49 and Steven Ronci, Account #68-0490-35, in the amount of \$416.64.**

## **PROPOSED CHARTER AMENDMENTS FOR JULY 7, 2015 ELECTION**

**MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to continue this to a workshop/public hearing on May 11, 2015.**

## **APPOINTMENT TO REDEVELOPMENT AGENCY**

**There was no appointment.**

## **APPOINTMENT OF VETERAN'S ADVISOR**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0**

**on a roll call vote to appoint David Thibault as the Veteran's Advisor. This is a two-year term that will expire on December 1, 2016.**

#### **APPOINTMENT TO AD HOC ORDINANCE REVIEW COMMITTEE**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to appoint Mary Jo Sousa to this committee.**

#### **AGREEMENT FOR SUPPLEMENTAL SERVICES ON THE SEWER ASSESSMENT ORDINANCE**

**Mr. Russ Chateauneuf has been working with the Sewer Commission in developing a new sewer ordinance. This is a request to have him on retainer. Funding will come out of the Enterprise Fund.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote, that the Town Solicitor review the agreement and report back to the Town Council on the errors and omissions clauses that are alluded to as well as other enumerated items listed. If the report is favorable, the Council is then agreeable to authorizing the Town Administrator to sign the agreement.**

#### **RESOLUTION RE: "ARMENIAN GENOCIDE REMEMBRANCE DAY"**

**MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to adopt the resolution that had been provided to the Council.**

#### **MEETING MINUTES AND AGENDAS**

**Ms. Alves sponsored this request from residents who are looking for direct links to pdf files of all Town Council meeting agendas, minutes and rules. She asked if there was a reason why this couldn't be done.**

**Mrs. Nadeau commented that the school department does have agendas and minutes on their website but they also have a full-time IT person.**

**Mr. Parmelee did not see a reason why it could not be done and he will check on it.**

## **STAGE II RIDE APPLICATION**

**Former Council president and chairman of the Public Facilities Advisory Task Force John Flaherty was asked to attend this evening by**

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**Mr. Boucher to provide any information he may have regarding the Stage II RIDE Application. He is very frustrated that the application was submitted in a materially different form than had been previously approved by the task force, by the Town Council and by the School Committee. It is in an amount far in excess of what the voters approved. Mr. Flaherty does not understand why the Council was not asked to approve any changes. The changes have resulted in an increase of \$2.1 million. At the moment there is no plan that matches**

**what the voters approved.**

**When asked, School Committee member Merredythe Nadeau stated that, until a week and a half ago, the School Committee had no knowledge of the proposed changes.**

**Mr. Flaherty is of the opinion that, although Superintendent Lindberg was part of the task force shaping the plan, he never truly supported it and has gone so far as to undermine it. Mr. Flaherty is adamant that the town must go forward with the plan to decommission Halliwell School. It is imperative to close the school in order to realize other savings. Mr. Flaherty is encouraged by the letter from RIDE indicating their willingness to move forward.**

**Mrs. Nadeau noted that the Public Building Improvement Commission is not going to touch any of the school bond money of the project until issues are resolved.**

**Mr. Zwolenski wants to know who signed the plan and who submitted it.**

**Research done by Budget Committee Chairman Michael Clifford has NESDEC projections showing no increase in enrollment for Pre K to Grade 4 over the next ten years. The increase in enrollment that has been referred to is only for Grades 5 through 12.**

**At a Public Building Improvement Commission meeting held on April 21, 2015 Mrs. Nadeau had asked how and when did the Stage II application change from four classrooms to six classrooms because no one seemed to know when that happened. The answer given to her was Mr. Lindberg changed the Stage II application based on the NESDEC enrollment numbers. She wanted it made clear that the NESDEC enrollment numbers when Stage I was approved were higher than what they are now. RIDE did not have a problem with and was not holding our application up because of the order that things were done. It was very well understood that it was a strategic and a smart move on the Town Council's part to hold off submitting Stage II until we knew that we had the backing of the voters.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to request, through the Town Solicitor, a copy of who authorized, signed and submitted the Stage II application.**

## **UTILIZATION OF \$200,000 IN ROAD RESURFACING MONIES TO REPAIR ROADS**

**Director of Public Works Raymond Pendergast explained there is a balance of \$200,000 in road resurfacing. Over the past several years he has been trying to infuse hundreds of thousands of dollars into the road repair and resurfacing budget. Mr. Pendergast has many roads that he can save with crack sealant or patching with the \$200,000.**

**Finance Director Jason Parmelee hoped the town could take the \$200,000 and rather than call it resurfacing, which might fix a road or two, do patch work, hot patch or crack sealant and possibly fix eight to ten roads with the money. He suggested renaming the budget line item from just resurfacing to all road repair work.**

**MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to allow the \$200,000 designated as road resurfacing to be used for road repair and preservation.**

**PAYMENT OF INVOICE FOR SCHOOL DEPARTMENT PICKUP TRUCK**  
**There were some concerns that the School Department was purchasing this size truck rather than one a little larger that would last a little longer.**

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**MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve payment to Tasca Ford in the amount of \$30,546.00 and to change the name on the memo presented to the Council from Brenda MacDonald to Jason Parmelee.**

**RESOLUTION SUPPORTING THE EXCLUSION OF THE TOWN OF NORTH SMITHFIELD AS A PROPOSED SENDING DISTRICT TO THE RISE MAYORAL ACADEMY**

**MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 3 to 1 on a roll call vote (Mrs. Nadeau voted no) to approve the following resolution: “WHEREAS, the Town of North Smithfield contributes a significant portion of local revenue derived from property taxes to the education of students in the district’s public schools, and WHEREAS, Rhode Island state law mandates that the local school district pays the annual per pupil expenditure, which includes a significant taxpayer contribution toward a student’s tuition to attend privately-operated charter schools and mayoral academies, and WHEREAS, student enrollment in privately-operated charter schools and mayoral academies does not require approval from local school committees and town councils, and WHEREAS, tuition-paid charter schools will burden the Town of North Smithfield’s local budget, and WHEREAS, North Smithfield’s investment in its own public schools has clearly resulted in high levels of student achievement as evidenced by multiple performance measures of student success, and WHEREAS, the RISE Mayoral Academy charter school application identifies the Town of North Smithfield as a participating town/sending district in its charter application, and WHEREAS, the Town Council of Burrillville adopted a resolution on July 9, 2014, to support the exclusion of the Town of Burrillville as a proposed sending district to the RISE Mayoral Academy Charter School (copy attached), and WHEREAS, the Burrillville School Committee adopted a resolution on July 8, 2014, to support the exclusion of the Town of Burrillville as a proposed sending district to the RISE Mayoral Academy Charter School (copy attached), and WHEREAS, the City of**

**Woonsocket adopted a resolution on February 16, 2015, requesting the Budget Commission to: (1) advise the Rhode Island Department of Education (RIDE) that the Budget Commission does not support the RISE Mayoral Academy due to its negative financial impacts and (2) instruct the mayor to cease any and all mayoral support for RISE Mayoral Academy (copy attached), and WHEREAS, the Woonsocket School Committee adopted a resolution on June 11, 2014, to support the exclusion of the Town of Burrillville as a proposed sending district to the RISE Mayoral Academy Charter School (copy attached), and WHEREAS, the North Smithfield School Committee adopted a resolution on April 14, 2015, to support the passage of 2015-H 5160 and 2015 - S 0087 that would require approval of the local school committee and town council of each included municipality, by either resolution or ordinance, prior to the approval of a new Mayoral Academy Charter School application by the Rhode Island Board of Education (copy attached), and WHEREAS, the North Smithfield Town Council held a public hearing on April 20, 2015, and heard testimony from residents of the Town of North Smithfield who oppose the inclusion of the Town of North Smithfield as a participating town/sending district to the RISE Mayoral Academy. NOW THEREFORE BE IT RESOLVED, that the North Smithfield Town Council affirms its commitment to carefully examine all proposed new charter schools and mayoral academies by considering the impact that such new schools will have on the quality of education for all of the students in the community, and BE IT FURTHER RESOLVED, that the North Smithfield Town Council requests that the North Smithfield**

**Town Administrator withdraw her name from the Board of the RISE Mayoral Academy, and BE IT FURTHER RESOLVED, that the North Smithfield Town Council requests that the North Smithfield Town Administrator revoke the application for the RISE Mayoral Academy, and BE IT FINALLY RESOLVED, that the North Smithfield Town Council declares its opposition to the inclusion of the Town of North Smithfield as a participating town/sending district to the RISE Mayoral Academy.”**

**Mr. Boucher requested that copies be sent to Governor Raimondo, Senate President Paiva-Weed, Speaker of the House Mattiello, North Smithfield representatives, the Department of Education, the Rhode Island Board of Education, the Town of Burrillville and the City of Woonsocket.**

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**JOINT MEETING WITH SCHOOL COMMITTEE, BUDGET COMMITTEE  
AND TOWN ADMINISTRATOR**

**Mr. Boucher felt it was imperative to start setting up meetings with the School Committee because contract negotiations and budget hearings are coming up.**

**Mr. Zwolenski felt agendas for this type of meeting should be specific.**

**(MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote at 9:57 P.M. to extend the meeting to 10:30 P.M.)**

**A meeting was tentatively scheduled for May 26, 2015.**

### **EXECUTIVE SESSION**

**MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to enter into executive session pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss 1.) Potential Litigation Re: The Town of North Smithfield v. Robinson Green Beretta, 2.) Notice of Intention to Sue Pursuant to RIGL 45-15-5 -- Tammy Boss, 3.) Cheryl E. Branchaud in her capacity as Trustee of the Cheryl E. Branchaud Living Trust v. Town of North Smithfield Town Council, et al, PC-2015-1363 and 4.) Reconsideration of Vote Made on March 26, 2015 Re: Pension Settlement.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to come out of executive session at 10:43 P.M. and to extend the meeting to 11:00 P.M.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to re-enter executive session at 10:43 P.M.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to come out of executive session at 10:54 P.M. and to seal the minutes.**

**CHERYL E. BRANCHAUD, TRUSTEE V. TOWN OF NORTH SMITHFIELD**

**No votes were taken.**

**RECONSIDERATION OF VOTE TAKEN RE: PENSION SETTLEMENT**

**One vote was taken and the minutes are sealed and not disclosed at this time.**

**POTENTIAL LITIGATION AGAINST ROBINSON GREEN BERETTA**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to direct the Town Solicitor to send inquiries to all principal parties involved in the Stage II application to determine how discrepancies occurred between what was approved by the voters and what was submitted in the application.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on an aye vote to adjourn at 11:01 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**